

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

BRANDON MORRALL,	:	
	:	
Petitioner,	:	
	:	
V.	:	
	:	NO: 5:24-cv-00364-MTT-CHW
Warden MCDANIEL,	:	
	:	
Respondent	:	
	:	

ORDER OF DISMISSAL

Brandon Morrall, an inmate in Macon State Prison in Oglethorpe, Georgia, has filed a 28 U.S.C. § 2254 habeas corpus petition challenging his April 18, 2013, conviction in the Bibb County Superior Court. Compl., ECF No. 1. On review of Court records, the Court finds that Plaintiff’s petition challenges the same conviction that he is challenging in another pending case. *See Morrall v. McDaniel*, Case No. 5:24-cv-00253-CAR-CHW. Moreover, the only issue that Petitioner raises in this case is one that he already raised in the pending case.

“As part of its general power to administer its docket, a district court may stay or dismiss a suit that is duplicative” of one already pending in federal court. *Curtis v. Citibank, N.A.*, 226 F.3d 133, 138 (2d Cir. 2000). “[A] suit is duplicative of another suit if the parties, issues, and available relief do not significantly differ between the two actions.” *IA. Durbin, Inc. v. Jefferson Nat’l Bank*, 793 F.2d 1541, 1551 (11th Cir. 1986).

Because the petitions in these cases challenge the same conviction and the issue

Petitioner raises in this petition was already raised in the other pending case, the present action is duplicative of one already pending in this Court. Therefore, this case is now **DISMISSED WITHOUT PREJUDICE**, and the pending motions are **DENIED AS MOOT**. *See Curtis*, 226 F.3d at 138.

SO ORDERED, this 19th day of November, 2024.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT